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Economic and Social Council

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Committee on Economic, Social and Cultural Rights

List of issues in relation to the fourth periodic report of Argentina*

I. General information

1. Please indicate to what extent the measures taken, including the optimization of methodology and the restructuring of the National Institute of Statistics and Census, have enabled the State party to generate statistical data to assess the progress achieved in complying with its obligations under the Covenant for various segments of the population.

2. Please provide information on investigations conducted in relation to reprisals and the use of force against persons participating in activities in defence of economic, social and cultural rights, especially in the context of land disputes.

3. Please indicate how the State party reconciles its objective of exploiting unconventional fossil fuels, such as its project in Vaca Muerta in Neuquén Province, with its obligations to mitigate climate change as part of international cooperation in the realization of economic, social and cultural rights.

II. Issues relating to general provisions of the Covenant (arts. 1-5)

Right to freely dispose of natural wealth and resources (art. 1 (2))

4. Please provide information on the reparations received by indigenous peoples and local communities for environmental and health damage caused by the exploitation of natural resources, for example in Salinas Grandes in Neuquén Province, the radioactive spills in 2014 and the contamination of water in 2016. Please provide information on the measures taken to prevent the recurrence of similar environmental pollution and other violations of the economic, social and cultural rights of indigenous peoples and local communities as a result of business activities.

5. Please provide information on the concrete measures taken by the State party to ensure, in practice, the right of indigenous peoples to be consulted in order to obtain their free, prior and informed consent in relation to decisions and projects that affect them.

Maximum available resources (art. 2 (1))

6. In order to assess if the State party is using its maximum available resources to realize Covenant rights, please provide information on the evolution over the past 10 years of

* Adopted by the pre-sessional working group at its sixty-first session (9-13 October 2017).

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(a) The proportion of people below the poverty line, as defined at the national level, and the levels of inequality, preferably defined as the ratio of the total income of the richest decile of the population to the total income of the poorest 40 per cent of the population;

(b) The proportion of public revenue that is financed through taxes;

(c) Rates of tax levied on corporate profits and personal incomes, and of value added tax (exclusive of rates on luxury items, tobacco/alcohol, sugary drinks/snacks and fuel) and the percentage of the total revenue from personal income taxes that are collected from the richest decile of the population;

(d) Public expenses as a percentage of gross domestic product and the proportion of total public expenditure that is dedicated to social priorities (education, food, health, water, sanitation and housing);

(e) Inflation-adjusted absolute levels of spending on these social priorities.

7. Please explain which measures the State party has taken, or intends to take, to prevent a reduction in tax revenue from the mining and agriculture sectors (see, for example, Executive Decrees Nos. 133/15, 349/16 and 1343/17) resulting in a diminution of the resources available for the realization of economic, social and cultural rights or widening economic inequality.

Non-discrimination (art. 2 (2))

8. Please provide information on the measures taken to tackle the discrimination and violence experienced by persons on the basis of their sexual orientation or gender identity in many fields of public life. Please indicate to what extent measures have been taken to fully enforce anti-discriminatory legal provisions, such as those on an employment quota for persons with disabilities and those contained in Gender Identity Law No. 26.743 of 2012 and the Provincial Bill (No. 14.783) on a Transgender Labour Quota of 2015.

9. Please indicate the measures taken by the State party to ensure that Emergency Decree No. 70/2017, which modified Law No. 25.871 on Migration, does not negatively affect the enjoyment of economic, social and cultural rights by migrants.

III. Issues relating to the specific provisions of the Covenant (arts. 6-15)

Right to work (art. 6)

10. Please provide information on the policies and strategies adopted by the State party and their impact on reducing unemployment among young people.

11. Please provide information on the impact of the measures taken as regards the employment situation of women, such as the New Trades for Women Programme.

Right to just and favourable conditions of work (art. 7)

12. Please provide information on the outcome of the activities of the special unit for the inspection of informal employment and other measures taken to combat the abuse of short-term contracts, outsourcing and other forms of precarious employment by companies looking to reduce costs.

13. Please indicate to what extent the National Plan for the Regularization of Employment will improve the labour and social security rights of workers in the informal economy. Please provide information on the impact of the social contributions relief measures and other incentives for companies introduced by Act No. 26.940 of 2014 (on the promotion of registered employment and the prevention of employment fraud) on the registration of workers and on the transition of workers from the informal to the formal economy.

Trade union rights (art. 8)

14. Please provide information on the measures taken by the State party and their impact on addressing the continuing reports of delays in the registration of trade unions, reprisals, including dismissals, against workers who engage in protests and trade union activities, and the acts of violence against the leaders and members of trade unions, which in some instances have been followed by their arrest and detention.

Right to social security (art. 9)

15. Please provide information on the substantive changes to the eligibility requirements and amounts of benefits introduced by Act No. 27.160 of 2015 on the adjustability of family and universal allowances, and on their impact on the actual enjoyment of the right to social security by the various segments of the population.

16. Please inform the Committee of how, in the context of the reforms of the non-contributory scheme for persons with disabilities, the adequacy of the level of benefits, the eligibility criteria and the procedures for accessing such benefits will be guaranteed.

Right to an adequate standard of living (art. 11)

17. Please indicate to what extent the measures taken by the State party have prevented high inflation and rising fees for public services from increasing poverty and affecting the standard of living of the most vulnerable and marginalized individuals and groups.

18. Referring to the Committee's general comment No. 7 (1997) on forced evictions, please provide information on the impact of the measures taken to prevent forced evictions from being carried out in violation of international law, irrespective of the legal status of occupation.

19. Please indicate to what extent the Integrated Habitat and Housing Plan ensures that the increasing number of residents living in informal settlements have access to basic services. Please also indicate the safeguards in place to ensure that the plan does not expose informal settlement dwellers to forced evictions or lead to a deterioration in their housing conditions.

20. Please provide information about the measures taken by the State party, and their impact, to tackle the root causes of poverty among children. How does the State party ensure that the eligibility requirements and the procedures for accessing social benefits aimed at alleviating poverty among children do not exclude those in need.

21. Please provide information on the impact of the measures taken to protect indigenous peoples and local communities' land tenure and traditional farming methods in the context of the increasing pressure on their land and the increasing use of chemical pesticides and transgenic soya seeds.

22. Please explain what concrete measures the State has taken, or intends to take, to prevent the exploitation of unconventional fossil fuels — using techniques such as fracking, for example in Vaca Muerta in Neuquén Province — from having a negative impact on the environment and on the rights to housing, water, health and food of the persons in the region.

Right to physical and mental health (art. 12)

23. Please provide information on the coverage of preventive services to control the spread of the Chagas disease, especially in provinces and among communities considered at high risk.

24. Please indicate to what extent the measures taken by the State party address the reports of health insurance companies requesting information about the marital status and sexual orientation of beneficiaries as concerns providing coverage for reproductive health services under Act No. 26.862 of 2013 on assisted reproduction.

25. Please provide information on the impact of the measures taken in the context of the World Health Organization's Global Action Plan for the Prevention and Control of Non-

communicable Diseases 2013-2020, especially as regards preventing tobacco use, physical inactivity, unhealthy diets, obesity and the harmful use of alcohol, and protecting children from the adverse impact of marketing.

26. Please explain why maternal mortality rates remain high for the level of development of the State party, and regional disparities persist, in spite of the important measures taken and certain improvements in recent years.

27. Please provide information on the impact of the measures taken to improve the availability and accessibility of mental health services, including community-based care.

Right to education (arts. 13-14)

28. Please provide more information on the "various policies and programmes" mentioned in paragraph 261 of the State report and their impact on reducing illiteracy, repeating school years and school dropout rates. Please provide statistical data on school attendance and dropout rates at the primary and secondary levels of education. Please also provide information on the impact of the measures taken to correct the uneven geographical distribution of public elementary schools in Buenos Aires City.

Cultural rights (art. 15)

29. Please provide information on the measures taken by the State party to ensure affordable access to the benefits of scientific progress and its applications, including those mentioned in paragraphs 287 to 291 of the State report, for disadvantaged and marginalized groups.